

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

An evidentiary hearing on supervised release revocation in this case was scheduled before me on April 14, 2009. The United States was represented by AUSA Nicholas Brown and the defendant by Jennifer Wellman. The proceedings were digitally recorded.

Defendant had been sentenced on or about January 28, 2003 by the Honorable Robert S. Lasnik on a charge of Bank Robbery, and sentenced to 84 months custody, 3 years supervised release. (Dkt. 25)

The conditions of supervised release included the standard conditions plus the requirements that defendant cooperate in the collection of DNA, be prohibited from possessing a firearm, submit to drug testing, submit to search, pay restitution in the amount of \$9,968.15,

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE
PAGE -1

01 provide access to financial information, maintain a single checking account for all financial
02 transactions, disclose all assets and liabilities, and be prohibited from incurring new credit
03 charges or lines of credit.

04 In an application dated August 13, 2008 (Dkt. 28), U.S. Probation Officer Joe G. Mendez
05 alleged the following violations of the conditions of supervised release:

06 1. Committing the crime of Robbery in the First Degree in Seattle, Washington, on
07 or about July 1, 2008, in violation of the general condition that he not commit a federal, state or
08 local crime.

09 2. Attempting to Elude a Pursuing Police Vehicle, in Seattle, Washington, on or
10 about July 1, 2008, in violation of the general condition that he not commit a federal, state, or
11 local crime.

12 3. Associating with persons engaged in criminal activity and associating with any
13 person convicted of a felony without permission to do so by the probation officer, in violation
14 of standard condition number nine.

15 The parties agreed that the evidentiary hearing on these allegations be held until the
16 resolution of related criminal case, CR08-399. (Dkt. 33.)

17 On the date indicated below, following a change of plea hearing on CR08-399, Defendant
18 was advised in full as to the alleged violations and as to his constitutional rights.

19 Defendant admitted the alleged violations and waived any evidentiary hearing as to
20 whether they occurred.

21 I therefore recommend the Court find defendant violated his supervised release as
22 alleged, and that the Court conduct a hearing limited to the issue of disposition. The next

01 hearing will be set before Judge Lasnik, concurrent with sentencing in Case No. CR08-399.

02 Pending a final determination by the Court, defendant has been detained.

03 DATED this 14th day of April, 2009.

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Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable Robert S. Lasnik
AUSA: Nicholas Brown, Andrew Friedman
Defendant's attorney: Jennifer Wellman
Probation officer: Joe G. Mendez